

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT ORDER OF
- v. -	:	FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
ROBERT WISNICKI,	:	
	:	S4 22 Cr. 20 (PGG)
Defendant.	:	
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WHEREAS, on or about September 18, 2023, ROBERT WISNICKI (the “Defendant”), was charged in a two count Information, S4 22 Cr. 20 (PGG) (the “Information”), with conspiracy to commit money laundering and conspiracy to commit wire fraud in violation of Title 18, United States code, Section 371 (Counts One and Two);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information;

WHEREAS, on or about September 18, 2023, the Defendant pled guilty to Counts One and Two of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One and Two of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c): (i) a sum of money equal to \$210,548.06 in United States currency, representing property involved in Count One; and (ii) a

sum of money equal to \$18,800,000 in United States currency, representing proceeds traceable to the commission of Count Two, for a total sum of money of ~~\$17,602,279.10~~ <sup>\$19,010,548.06</sup>; and (ii) any and all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information;

WHEREAS, based on the information currently available to the parties, the proceeds traceable to the commission of Count Two is approximately \$17,391,731 rather than \$18,800,000;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of ~~\$17,602,279.10~~ <sup>\$17,602,279.06</sup> in United States currency, representing the amount of proceeds traceable to the offenses charged in Count One (\$210,548.06) and Count Two (\$17,391,731) of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Mathew Andrews, Ryan Allison, and Timothy Capozzi, of counsel, and the Defendant, and his counsel, Kenneth Caruso, Mark Mukasey, and Michael Westfal, that:

1. As a result of the offenses charged in Counts One and Two, to which the Defendant pled guilty, a money judgment in the amount of ~~\$17,602,279.10~~ <sup>\$17,602,279.06</sup> in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses

charged in Counts One and Two that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant ROBERT WISNICKI, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, 26 Federal Plaza, 38th Floor, New York, New York, 10278 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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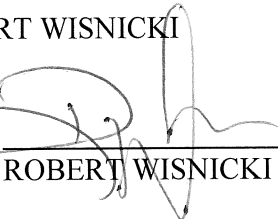
8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:


DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:   
\_\_\_\_\_  
MATHEW ANDREWS  
RYAN ALLISON  
TIMOTHY CAPOZZI  
Assistant United States Attorneys  
26 Federal Plaza  
New York, NY 10278

2/15/24  
DATE

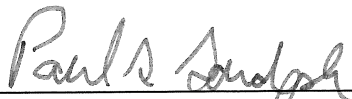
ROBERT WISNICKI  
By:   
\_\_\_\_\_  
ROBERT WISNICKI

2/18/24  
DATE

By:   
\_\_\_\_\_  
KENNETH CARUSO, ESQ.  
MARC MUKASEY, ESQ.  
MICHAEL WESTFAL, ESQ.  
Attorneys for Defendant

2/15/24  
DATE

SO ORDERED:

  
\_\_\_\_\_  
HONORABLE PAUL G. GARDEPHE  
UNITED STATES DISTRICT JUDGE

Feb. 16, 2024  
DATE